

CONTESTED CUSTODY – POST DECREE

www.hamiltoncountyohio.gov/domestic

Cost of Motion: \$125.00

Number of Copies: Original set plus 3 copies of each page.

Note: All Affidavits must be notarized before bringing documents in for filing.

When there is no agreement, a “Motion for Change of Parental Rights and Responsibilities” of a child or children will require a Determination Hearing before the assigned Magistrate. Initially, the Motion (form 3.10), and an Affidavit in Compliance with §3127.23 (form No. 2.1) must be filed.

The Court, pursuant to O.R.C. Section 3109.04(E)(1)(a), shall not modify a prior decree allocating parental rights and responsibilities unless it finds, based on facts that have arisen since the prior decree or that were unknown to the Court at the time of the prior decree, that a change has occurred in the circumstances of the child, the child’s residential parent, or either of the parents subject to a shared parenting decree, and that the modification is necessary to serve the best interest of the minor child(ren). A Brief Focused Investigation costing \$400.00 or Full Investigation costing \$800.00 may be ordered. To initiate the investigation, the moving party must pay the appropriate fee with the Clerk of Courts in Room 3-47. Refer to Local Rule 2.3 for additional information regarding parenting investigations.

Cases will be investigated by a Parenting Specialist. Shared Parenting Plans Must be submitted to the Parenting Specialist at the commencement of the Investigation. Parenting Specialist will make a recommendation regarding the suitability of shared parenting and will submit a proposed plan or the Parenting Specialist will make a recommendation that one parent be named the residential parent.

After the Parenting Investigation is complete, the case will be set for Pre-Trial before the assigned Judge. If after the Pre-Trial the case remains contested, the case will then be scheduled for Custody Trial before the assigned Judge.